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Dated: June 21, 2010

Electronic Signature for /Anthony G. Fussner/ Anthony G. Fussner, Reg. No. 47,582:

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/597,192

Filing Date: October 28, 2008

Applicant: Anders Thornell-Pers

Group Art Unit: 2821

Confirmation No. 7508

Examiner: Shih Chao Chen

Title: ANTENNA DEVICE AND PORTABLE RADIO COMMUNICATION  
DEVICE COMPRISING SUCH AN ANTENNA DEVICE

Attorney Docket: 9062K-000105/US/NP

Adjustment date: 06/25/2010 CKHLUK  
06/22/2010 INTFSW 00001754 000750 10597192  
01 FC:1964 130.00 CR  
02 FC:1801 810.00 CR

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW APPLICATION FROM ISSUE  
UNDER 37 CFR § 1.313(c)(2) AFTER PAYMENT OF ISSUE FEE**

Sir:

On May 5, 2010, Applicant paid the issue fee.

On June 2, 2010, the USPTO mailed an issue notification indicating that this Application will issue as U.S. Patent 7,741,998 on June 22, 2010 (tomorrow).

Applicant now files this Petition to request the USPTO to withdraw the Application from issue, in order to have the USPTO consider Applicant's Request for Continued Examination (RCE) filed herewith. This RCE is being filed under 37 C.F.R. § 1.114 (a), which states that "If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of: (1) Payment of the issue fee, unless a

petition under § 1.313 is granted." This RCE is being filed along with a Supplemental Information Disclosure Statement to disclose two Japanese Laid-Open Patent Publications H11-068456 and H08-186404, which were the only two documents cited in an Office Action from co-pending Japanese patent application 2006-551007 (now published as 2007-520955). The instant application and co-pending Japanese patent application No. 2006-551007 both claim priority to Sweden application No. 0400203-6 (Issued as SE0400203-6, now abandoned). Applicant's undersigned attorney (Anthony G. Fussner) was not aware of this Japanese Office Action until first becoming aware of the same today (June 21, 2010) upon receiving a letter from the foreign associate responsible for the prosecution of the Japanese patent application 2006-551007.

For the USPTO's convenience only, Applicant provides an English translation of the rejections in the Japanese office action (which rejections Applicant does not necessarily agree with). Claims 1-5 and 10-12 of Japanese patent application 2006-551007 have been rejected due to lack of inventive step over Japanese Laid-Open Patent Publication H11-068456, which discloses a surface mounting antenna comprising a frequency switching means with a diode, by which a plurality of resonance frequencies are obtained. Claims 2 and 6-8 of Japanese patent application 2006-551007 have been rejected due to lack of inventive step over Japanese Laid-Open Patent Publications H11-068456 and H08-186404 on the grounds that claims 2 and 6-8 are usually used well known technology in the art as described in Japanese Laid-Open Patent Publications H11-068456 and H08-186404. Claim 9 of Japanese patent application 2006-551007 is not rejected at present.

Applicant hereby requests the USPTO to withdraw the Application from issue and consider the RCE filed herewith.

Applicant believes that the correct fees (\$130 Petition Fee under 37 C.F.R. § 1.17(h) and \$810 RCE fee under 37 C.F.R. § 1.17(e)) have been included with this filing. If Applicant owes any additional fee(s), the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. 08-0750. In addition, if there is ever any other

fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. 08-0750. In addition, Applicants hereby request the United States Patent & Trademark Office treat any concurrent or future reply requiring a petition for extension of time pursuant to §1.136 for its timely submission as incorporating therein a petition for an extension of time for the appropriate length of time and authorizes the Commissioner to charge all required extension of time fees that have not otherwise been paid to Deposit Account No. 08-0750.

Respectfully submitted,

/Anthony G. Fussner/

Dated: June 21, 2010

By: \_\_\_\_\_  
Anthony G. Fussner  
Reg. No. 47,582

Harness, Dickey & Pierce, P.L.C.  
7700 Bonhomme, Ste. 400  
St. Louis, MO 63105  
(314) 726-7500

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND												
1 Date of Request: 06/24/10		2 Serial/Patent # 10/597,192										
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT								
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0	8	--	0	7	5	0						
X	No Fee Due (Explanation):											
The petition is dismissed as moot. The petition was filed too late; therefore, no petition is needed.												
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TYPED/PRINTED NAME: Irvin Dingle		TITLE: Paralegal										
SIGNATURE: /Irvin Dingle/		PHONE: 2-3210										
OFFICE: Petitions												
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APPROVED:		DATE: 6/25/10										

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# Request For Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/597,192
Filing Date	October 28, 2008
First Named Inventor	Anders Thornell-Pers
Art Unit	2821
Examiner Name	Shih Chao-Chen
Attorney Docket Number	9062K-000105/US/NP

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_  
ii. ☐ Other \_\_\_\_\_

- b. ☒ Enclosed

- i. ☐ Amendment/Reply  
ii. ☐ Affidavit(s)/Declaration(s)  
iii. ☒ Information Disclosure Statement (IDS)  
iv. ☒ Other Petition to Withdraw Application from Issue

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)  
b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 08-0750

- i. ☒ RCE fee required under 37 C.F.R. 1.17(e)  
ii. ☐ Extension of time fee (37 C.F.R. 1.136 and 1.17)  
iii. ☐ Other \_\_\_\_\_

- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	/Anthony G. Fussner/	Date	June 21, 2010
Name (Print /Type)	Anthony G. Fussner	Registration No. (Attorney/Agent)	47,582

## CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Signature	/Anthony G. Fussner/	Date	June 21, 2010
Name (Print /Type)	Anthony G. Fussner		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number
	Filing Date
	First Named Inventor
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	Examiner Name
	Attorney Docket Number

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Signature	/Anthony G. Fussner/	Date	June 21, 2010
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